IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

RPFC.No. 244 of 2006()

MC.180/2006 OF FAMILY COURT, THRISSUR

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PETITIONERS/RESPONDENTS

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1. SABU, S/O. THAISUVALAPPIL VEETTIL
   VELAYUDHAN, NELLAYI VILLAGE, PANTHALLUR DESOM,
   MUKUNDAPURAM TALUK.

2. SAJEEVAN, S/O. THAISUVALAPPIL VEETTIL
   VELAYUDHAN, NELLAYI VILLAGE, PANTHALLUR DESOM,
   MUKUNDAPURAM TALUK.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: PETITIONERS

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1. VELAYUDHAN, S/O. THAISUVALAPPIL
   VELAPPAN, NELLAYI VILLAGE, PANTHALLUR DESOM,
   MUKUNDAPURAM TALUK.

2. RATHNAVATHI, W/O. THAISUVALAPPIL
   VELAYUDHAN, NELLAYI VILLAGE, PANTHALLUR DESOM,
   MUKUNDAPURAM TALUK.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(F.C)No.244 of 2006

Dated this the 11th day of June, 2007

O R D E R

The revision petitioners are the sons against whom the parents had moved application under Section 125 of Criminal Procedure Code for maintenance. The trial court ordered maintenance at the rate of Rs.750/- per month to be paid by petitioners 1 and 2 together. It is the case of the revision petitioners that the court below struck off their defence and disposed of the matter.

2. There was no representation for the respondents.

3. I find that the court below has erred in striking off the defence. There is no provision enabling the same. In the circumstances, the order of the court below is directed to reconsider the matter. The court below would dispose of the case on merits after affording opportunity to both sides to contest the matter. The revision petitioners shall continue to pay maintenance at the rate ordered by the court below. The court shall dispose of the petition at the earliest. The revision

petitioners are directed to appear before the court below on 30.6.2007. Court shall issue notice to the respondents/ petitioners in the M.C.

The R.P.(FC) is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.T.SANKARAN, J

R.P.F.C. No. 244 of 2006

Dated this the 27th day of November, 2006

ORDER

Admit. Issue notice to the respondents.

2. I am admitting this revision with much reluctance. It is being admitted on conditions. Conditions are imposed and an interim order is being passed to see that at least respondents-parents get some money towards arrears of maintenance.

Admission of this revision is conditional that the petitioners shall deposit a sum of Rs.5,000/- before the Family Court, Thrissur, for payment to the respondents within a period of two weeks. On such payment, intimation shall be issued to the respondents herein by the Family Court to receive the amount. Only after production of receipts evidencing deposit of Rs.5,000/-, notice need be sent in this revision to the respondents. If the amount of Rs.5,000/- is not deposited, this revision petition would stand dismissed without any further orders.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No. 11945/2006
in
R.P.F.C. No. 244 of 2006

Dated this the 27th day of November, 2006

ORDER

Subject to the order passed in the Crl.R.P. as to admission on condition of the deposit of Rs.5,000/- within a period of two weeks, interim stay for a period of three months on condition that the balance arrears shall be deposited on or before 31.12.2006 and also on condition that monthly maintenance now awarded shall be promptly paid to the respondents.

K.T.SANKARAN,
JUDGE

csl